

STATE OF SOUTH DAKOTA)  
:SS  
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT  
SECOND JUDICIAL CIRCUIT

BRIAN D. MILLER,

Plaintiff,

vs.

METROPOLITAN LIFE INSURANCE  
COMPANY,

Defendant.

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CIV. 12 -

**SUMMONS**

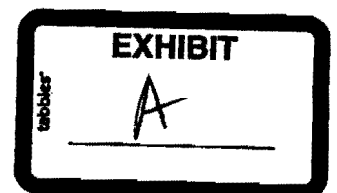
TO THE ABOVE-NAMED DEFENDANT, Metropolitan Life Insurance Company at PO  
Box 14590, Lexington, KY 40511-4590:

You are hereby summoned and required to serve upon Scott G. Hoy, Hoy Trial  
Lawyers, Prof. L.L.C., attorneys for the above-named Plaintiff, 1608 W. Russell Street,  
Sioux Falls, South Dakota, 57104, an Answer to the Complaint which is herewith served  
upon you within thirty (30) days after service of this Summons upon you, exclusive of  
the day of service. If you fail to do so, judgment by default will be taken against you for  
the relief demanded in the Complaint.

Dated at Sioux Falls, South Dakota this 30 day of March, 2012.

HOY TRIAL LAWYERS, PROF. L.L.C.

  
\_\_\_\_\_  
Scott G. Hoy  
1608 W. Russell Street  
Sioux Falls, South Dakota 57104  
(605) 334-8900  
Fax (605) 338-1918  
Email - [scott@hoylaw.com](mailto:scott@hoylaw.com)  
*Attorneys for the Plaintiff*



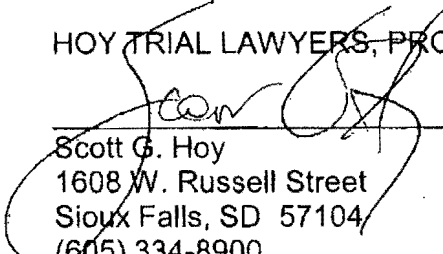


benefits despite the purpose of the policy.

6. That the delay in paying benefits by Defendant is unreasonable under the meaning of SDCL 58-12-3, entitling Plaintiff to a claim for insurance bad faith, and to a claim for attorney fees both under state and federal law.
7. Plaintiff requests that after an evidentiary hearing that this Court enter an order:
  - (a) Assessing and awarding benefits under the contract in the amount to be proven at trial;
  - (b) Assessing actual and consequential damages for the breach of duty of good faith and fair dealing; and,
  - (c) Assessing exemplary damages under South Dakota law, and award attorney fees commensurate with industry rates.

Dated at Sioux Falls, South Dakota, this 30 day of March, 2012.

HOY TRIAL LAWYERS, PROF. L.L.C.

  
\_\_\_\_\_  
Scott G. Hoy  
1608 W. Russell Street  
Sioux Falls, SD 57104  
(605) 334-8900  
Fax (605) 338-1918  
E-mail: [scott@hoylaw.com](mailto:scott@hoylaw.com)  
Attorney for Plaintiff

DEMAND FOR JURY TRIAL

COMES NOW, Plaintiff by and through his counsel of record, and pursuant to SDCL § 15-6-38(b), hereby respectfully demands trial by jury of all issues so triable.

  
\_\_\_\_\_  
One of the attorneys for Plaintiff

STATE OF SOUTH DAKOTA)  
: SS  
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT  
SECOND JUDICIAL CIRCUIT

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vs.

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CIV. 12 - \_\_\_\_\_

**ADMISSION OF SERVICE**

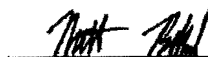
The undersigned, Director of the Division of Insurance for the State of South Dakota, hereby admits service of two (2) true and correct copies of the Summons and Complaint, having received the same at my office in the State Capitol in Pierre, Hughes County, South Dakota, at 9 o'clock A.m. on April 2, 2012.

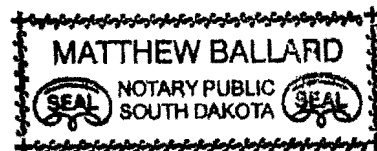
I further acknowledge receipt of the statutory service fee in the amount of \$10.00.

Dated at Pierre, South Dakota, this 2<sup>ND</sup> day of April, 2012.

  
Merle Scheiber, Director

Subscribed and sworn to before me  
this 5 day of ~~March~~ April 2012.

  
\_\_\_\_\_  
Notary Public – South Dakota  
My commission expires: October 25, 2017



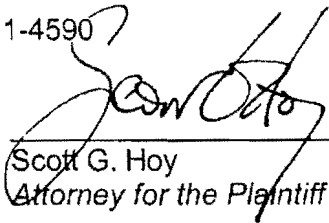
(SEAL)

Scott G. Hoy  
1608 W. Russell Street  
Sioux Falls, SD 57104-1330  
Phone: (605) 334-8900  
Fax: (605) 338-1918  
Email: [scott@hoylaw.com](mailto:scott@hoylaw.com)  
*Attorney for the Plaintiff*

### CERTIFICATE OF SERVICE

The undersigned certifies that on April 9, 2012, he served a copy of this Notice of Service of Summons and Complaint Upon Division of Insurance with attached copies of the process (Summons and Complaint) and Admission of Service on Defendant Metropolitan Life Insurance Company by certified mail (#7099 3220 0010 0430 2257), postage prepaid, addressed to:

Metropolitan Life Insurance Company  
Attn: Legal Department  
PO Box 14590  
Lexington, KY 40511-4590



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Scott G. Hoy  
Attorney for the Plaintiff